

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC SDNY
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DATE FILED: AUG 22 2016**

Tameka Jackson,

Petitioner,

-v-

Acting Commissioner Carolyn W. Colvin
of Social Security,

Respondent.

13-CV-5655 (AJN)

ORDER ADOPTING
REPORT AND
RECOMMENDATION

ALISON J. NATHAN, District Judge:

Before the Court is United States Magistrate Judge Sarah Netburn's Report and Recommendation (the "Report" or "R&R") dated July 19, 2016, Dkt. No. 23, addressing plaintiff counsel's application, Dkt. Nos. 18-20, for an award of attorney's fees in the amount of \$10,733.00 pursuant to 42 U.S.C. § 406(b)(1), which permits courts to approve "a reasonable fee . . . not in excess of 25 percent of the total of the past-due benefits" to which a social security claimant is entitled by reason of a favorable judgment. The Court assumes familiarity with the factual and procedural background of this matter as set forth in the Report.

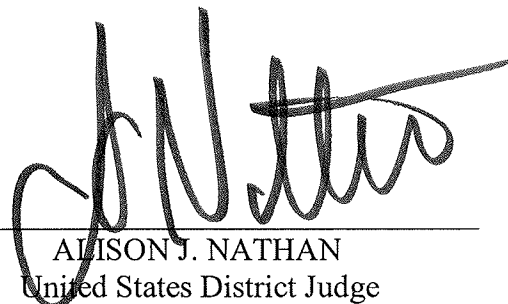
District courts may designate magistrate judges to determine certain motions and to submit proposed findings of fact and a recommendation as to such motions. 28 U.S.C. § 636(b)(1). Any party wishing to object to a magistrate judge's report and recommendation must do so within fourteen days after being served with a copy of the report and recommendation. *Id.* In evaluating the report, the court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* If a party submits timely

objections to a report and recommendation, the district court reviews *de novo* those portions to which the party objected. *Id.* If, however, “no ‘specific written objection’ is made, the district court may adopt those portions ‘as long as the factual and legal basis supporting the findings and conclusions set forth . . . are not clearly erroneous or contrary to law.’” *Norman v. Astrue*, 912 F. Supp. 2d 33, 39 (S.D.N.Y. 2012) (quoting *Eisenberg v. New England Motor Freight, Inc.*, 564 F. Supp. 2d 224, 226-27 (S.D.N.Y. 2008)). Because no party has submitted any objection to the Report presently before the Court, the Court reviews the Report and record for clear error.

Upon such review, the Court finds that Judge Netburn’s well-reasoned Report does not reflect clear error. Accordingly, the Court adopts the Report in its entirety as the opinion of the Court. *See, e.g., Nieves v. Comm’r of Soc. Sec.*, 15-cv-4460, 2016 WL 4131836, at *1 (S.D.N.Y. Aug. 1, 2016). As stated in the Report, plaintiff’s counsel’s application for attorney’s fees in the amount of \$10,733.00, which represents 25% of the past due benefits awarded to plaintiff, is GRANTED. Upon receipt of this sum, counsel for plaintiff is directed to refund directly to plaintiff the previously awarded EAJA fees of \$4,920.00.

SO ORDERED.

Dated: August 22, 2016
New York, New York



ALLISON J. NATHAN
United States District Judge